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Notice of Allowability

Application No.

10/573,520

Examiner

Quyen P. Leung

Applicant(s)

KERRY ET AL.

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 20070628
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Quyen Leung/
Quyen Leung
Primary Patent Examiner
Group Art Unit 2874

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

- In claim 1 line 1 the limitation "wall (50)" should be changed to –wall (60)—to match the reference numeral in the specification. It is noted that the reference numeral (50) in the specification was for a pre-drilled bore.

The following is an examiner's statement of reasons for allowance:

The claims 1-8 are allowed because the cited prior art fail to teach or fairly disclose:

Re claim 1, a cable lead out device suitable for use within a bore through a wall (60), the device comprising a body (10) to guide a cable (30), the cable having a minimum permitted bend radius, along a passageway (13) in the bore, **the passageway being defined by the body and extending in an arc from a first point within the bore via the mouth of the bore to a second point outside the bore**, wherein the first point is sited within the bore at a location (100) at or proximate to the surface of the bore, so that the cable guided along the passageway arcs at not less than its minimum permitted bend radius.

Re claim 7, a cable lead out device positioned within a bore in a wall, the device comprising a body to guide a cable, the cable having a minimum permitted bend radius, along a passageway in the bore, **the passageway being defined by the body and extending in an arc from a first point within the bore via the mouth of the bore to a second point outside of the bore**, wherein the first point is sited within the bore at a location so that the cable guided along the passageway arcs at not less than its minimum permitted bend radius.

Re claim 8, a cable lead out device for location within a bore in a surface, for guiding a cable having a minimum permitted bend radius from the bore, the device having a body for location within the bore, the body defining a passageway to accommodate the cable, **the passageway extending in an arc from a first point within the bore at which the passageway has a longitudinal axis which is parallel with the longitudinal axis of the bore via a second point outside the bore**, the longitudinal axis of the passageway at the second point being orthogonal or substantially orthogonal to that at the first point, to an exit outside the bore whereat the cable emerges from the device, the location of the first point being sufficiently far inside the bore that in use neither the device nor the cable where it emerges from the exit protrudes from the surface by more than minimum permitted bend radius of the cable.

The closest cited prior art Frost et al (US 5,503,369, or equivalently EP 0 748 460 B1) teaches a cable lead out device (Frost et al refers as "optical fiber customer lead in" (CLI) (i.e. the way in which optical fibers are led into customers' premises)) for location within a bore in a surface such as a wall. Like the present allowed invention,

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Frost et al is concerned with guiding a cable having a minimum permitted bend radius from the bore by providing an arced passageway. However, Frost et al does not teach or fairly suggest a first point of the arc to be within the bore, permitting the device to become slimmer by reducing the projection of the exiting optical fiber from the bore.

Applicant teaches advantages for this reduced size on page 2, in the fourth full paragraph of applicant's specification:

The present invention slims the bulk of the lead in device even further, by reducing the projection of the exiting optical fibre from the bore. The smallness of the lead in device of the invention allows it to be used in conjunction with other components to add further functionality. The invention further permits the lead in device to be used for both copper wire as well as for optical fibre, with the significant result that a copper system can be upgraded without having to discard and replace these components once installed into the building fabric.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quyen P. Leung whose telephone number is (571) 272-8188. The examiner can normally be reached on normally M-F, 6:15 am - 2:45 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quyen Leung/
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qpl